

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAFAYETTE S JAMERSON, as an	No	C 01-4336 VRW
individual and D/B/A JAMERSON		
CONTRACTORS; ELIZABETH G JAMERSON		ORDER
and ALICE R LANE, as an		
individual and as Conservator for		
Elizabeth Jamerson,		
Plaintiffs,		
v		
CITY AND COUNTY OF SAN FRANCISCO,		
et al,		
Defendants.		

In an order dated May 8, 2008, the court dismissed plaintiffs' complaint for failure to prosecute. Doc #54. Lafayette Jamerson filed a notice of appeal on May 27, 2008. Doc #55. Jamerson has not paid the docket fee. Doc #57.

Jamerson filed an "Application to Proceed In Forma Pauperis" on June 6, 2008. There is a special procedure that Jamerson must use, however, if he wishes to proceed in forma pauperis. This special procedure is described in Rule 24(a)(1) of the Federal Rules of Appellate Procedure. See Federal Rules of Appellate Procedure (FRAP) & Local Circuit Rules (July 2007), at

1 [http://www.ca9.uscourts.gov/ca9/Documents.nsf/FRAP+and+Circuit+Rule](http://www.ca9.uscourts.gov/ca9/Documents.nsf/FRAP+and+Circuit+Rules?OpenView)
2 [s?OpenView](http://www.ca9.uscourts.gov/ca9/Documents.nsf/FRAP+and+Circuit+Rules?OpenView) (last visited June 10, 2008).

3 Jamerson must file a separate motion to appeal in forma
4 pauperis. See Rule 24(a)(1). The "Application to Proceed In Forma
5 Pauperis" does not count as a "motion."

6 As part of that motion, Jamerson must attach a separate
7 sworn affidavit. See Rule 24(a)(1). The affidavit must include
8 three different pieces of information.

9 First, the affidavit must "show[] the party's inability
10 to pay or to give security for fees and costs." See Rule
11 24(a)(1)(A). The "Application to Proceed In Forma Pauperis" that
12 Jamerson filed on June 6, 2008, satisfies this requirement.

13 Second, the affidavit must "claim[] an entitlement to
14 redress." See Rule 24(a)(1)(B). This means that the affidavit
15 should specify the relief that Jamerson will request from the court
16 of appeals.

17 Third, the affidavit must "state the issues that the
18 party intends to present on appeal." See Rule 24(a)(1)(C).

19 Once Jamerson submits the proper motion with the
20 completed affidavit, the court will consider whether to allow him
21 to appeal in forma pauperis. If Jamerson does not submit this
22 motion and affidavit by June 27, 2008, or if his affidavit does not
23 show that the appeal is taken in good faith (see Rule 24(a)(4)(B)),
24 then the court will deny the request.

25 IT IS SO ORDERED.

26
27 
28 VAUGHN R WALKER
United States District Chief Judge